

Executive Summary – Enforcement Matter – Case No. 50380
Richards Independent School District
RN101513489
Docket No. 2015-0615-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Richards ISD, located at 9477 Panther Drive, approximately 550 feet north of Farm-to-Market Road 149 and 1,800 feet west of the Chicago, Rock Island and Pacific Railroad, Grimes County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 13, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$9,489

Amount Deferred for Expedited Settlement: \$1,897

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$7,592

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 4, 2015

Date(s) of NOE(s): March 11, 2015

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Richards Independent School District
RN101513489
Docket No. 2015-0615-MWD-E

Violation Information

1. Failed to maintain compliance with permitted effluent limitations. Specifically, a single grab sample collected during the investigation revealed a total chlorine residual of 4.54 milligrams per liter (“mg/L”) which exceeds the permitted limit of 4.0 mg/L [TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System (“TPDES”) Permit No. WQ0013527001, Effluent Limitations and Monitoring Requirements No. 2].
2. Failed to maintain process control records. Specifically, the records of process controls conducted for solids management were not being maintained [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0013527001, Operational Requirements No. 1].
3. Failed to monitor the food to the microorganism ratio. Specifically, the Respondent was not monitoring the food to microorganism ratio, given as the influent biochemical oxygen demand-5 day concentration divided by the aeration basin mixed liquor suspended solids concentration, once per month by grab samples [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0013527001, Other Requirements No. 9].
4. Failed to assure the quality of all measurements through the use of blanks, standards, duplicates, and spikes. Specifically, the Respondent was not conducting or recording the quality control assurance for total chlorine analysis [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.6 and 319.9(d), and TPDES Permit No. WQ0013527001, Monitoring and Reporting Requirements No. 3.c.].
5. Failed to employ or contract one or more licensed wastewater treatment facility operators holding the appropriate level of license to operate a wastewater treatment facility a minimum of five days per week. Specifically, the Respondent allowed an unlicensed individual to perform process control duties at the Facility [30 TEX. ADMIN. CODE §§ 30.350(d) and (j), and 305.125(1), and TPDES Permit No. WQ0013527001, Other Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On February 17, 2015:
 - i. Submitted operator logs demonstrating records of process controls conducted for solids management are being maintained;

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- ii. Submitted colorimeter calibrations records demonstrating that adequate quality control measures are being conducted on a 10% basis and recorded for total chlorine analysis;
 - iii. Submitted an operator log indicating process control duties are being conducted by an operator with a Class “C” Wastewater Operator License; and
 - iv. Installed new chlorine feed tubes in the chlorine contact chamber.
- b. On February 24, 2015, began collecting samples to monitor the food to microorganism ratio and began maintaining the records.
- c. By March 31, 2015, returned to compliance with permitted effluent limitations.

Technical Requirements:

N/A

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Cheryl Thompson, Enforcement Division, Enforcement Team 3, MC R-04, (817) 588-5886; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Martey Ainsworth, Superintendent, Richards Independent School District, P.O. Box 308, Richards, Texas 77873

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	9-Mar-2015	PCW	15-Apr-2015	Screening	23-Mar-2015	EPA Due	
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RESPONDENT/FACILITY INFORMATION

Respondent	Richards Independent School District						
Reg. Ent. Ref. No.	RN101513489						
Facility/Site Region	9-Waco			Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	50380	No. of Violations	5
Docket No.	2015-0615-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Cheryl Thompson
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** **\$7,750**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History **45.0%** Enhancement **Subtotals 2, 3, & 7** **\$3,487**

Notes

Enhancement for two orders with denial of liability and one NOV with same/similar violations.

Culpability **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments **Subtotal 5** **-\$1,748**

Economic Benefit **0.0%** Enhancement* **Subtotal 6** **\$0**

Total EB Amounts **\$188**
Estimated Cost of Compliance **\$836**

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal** **\$9,489**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** **Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount **\$9,489**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **\$9,489**

DEFERRAL **20.0%** Reduction **Adjustment** **-\$1,897**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY **\$7,592**

Screening Date 23-Mar-2015

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PCW

Respondent Richards Independent School District

Policy Revision 4 (April 2014)

Case ID No. 50380

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101513489

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 45%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for two orders with denial of liability and one NOV with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 45%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 45%

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Respondent Richards Independent School District

Policy Revision 4 (April 2014)

Case ID No. 50380

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101513489

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 1

Rule Cite(s)

Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a)(1), and Texas Pollutant Discharge and Elimination System (TPDES) Permit No. WQ0013527001, Effluent Limitations and Monitoring Requirements No. 2

Violation Description

Failed to maintain compliance with permitted effluent limitations, as documented during an investigation conducted on February 4, 2015. Specifically, a single grab sample collected during the investigation revealed a total chlorine residual of 4.54 milligrams per liter ("mg/L") which exceeds the permitted limit of 4.0 mg/L.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Harm	Minor
Actual		Moderate	X
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

1 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$125

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes

The Respondent returned to compliance by March 31, 2015.

Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$1,688

This violation Final Assessed Penalty (adjusted for limits) \$1,688

Economic Benefit Worksheet

Respondent Richards Independent School District
Case ID No. 50380
Reg. Ent. Reference No. RN101513489
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$150	4-Feb-2015	31-Mar-2015	0.15	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to install new chlorine feed tubes in the chlorine contact chamber. Date required is the investigation date and the date of the grab sample. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$150

TOTAL

\$1

Screening Date 23-Mar-2015

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PCW

Respondent Richards Independent School District

Policy Revision 4 (April 2014)

Case ID No. 50380

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101513489

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0013527001,
Operational Requirements No. 1

Violation Description

Failed to maintain process control records, as documented during an investigation conducted on February 4, 2015. Specifically, the records of process controls conducted for solids management were not being maintained.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 1

13 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,250

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction

\$312

Before NOE/NOV NOE/NOV to EDP RP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	(mark with x)

Notes

The Respondent returned to compliance on February 17, 2015.

Violation Subtotal \$938

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$1,501

This violation Final Assessed Penalty (adjusted for limits) \$1,501

Economic Benefit Worksheet

Respondent Richards Independent School District
Case ID No. 50380
Reg. Ent. Reference No. RN101513489
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	4-Feb-2015	17-Feb-2015	0.04	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to begin maintaining the records of process controls conducted for solids management. Date required is the investigation date. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$0

Screening Date 23-Mar-2015

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PCW

Respondent Richards Independent School District

Policy Revision 4 (April 2014)

Case ID No. 50380

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101513489

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0013527001, Other Requirements No. 9

Violation Description

Failed to monitor the food to microorganism ratio, as documented during an investigation conducted on February 4, 2015. Specifically, the Respondent was not monitoring the food to microorganism ratio, given as the influent biochemical oxygen demand-5 day concentration divided by the aeration basin mixed liquor suspended solids concentration, once per month by grab samples.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 3.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1

20 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction \$187

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent returned to compliance by February 24, 2015.

Violation Subtotal \$563

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$901

This violation Final Assessed Penalty (adjusted for limits) \$901

Economic Benefit Worksheet

Respondent Richards Independent School District
Case ID No. 50380
Reg. Ent. Reference No. RN101513489
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	4-Feb-2015	24-Feb-2015	0.05	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to begin monitoring the food to microorganism ratio once per month by grab samples and to begin maintaining records. Date required is the investigation date. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$1

Screening Date 23-Mar-2015

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PCW

Respondent Richards Independent School District

Policy Revision 4 (April 2014)

Case ID No. 50380

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101513489

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 305.125(1), 319.6 and 319.9(d), and TPDES Permit No. WQ0013527001, Monitoring and Reporting Requirements No. 3.c.

Violation Description

Failed to assure the quality of all measurements through the use of blanks, standards, duplicates, and spikes, as documented during an investigation conducted on February 4, 2015. Specifically, the Respondent was not conducting or recording the quality control assurance for total chlorine analysis.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

	Major	Moderate	Minor
Release			
Actual			
Potential			x

Percent 3.0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants that would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$24,250

\$750

Violation Events

Number of Violation Events 1

13 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

25.0%

Reduction

\$187

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent returned to compliance on February 17, 2015.

Violation Subtotal \$563

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$901

This violation Final Assessed Penalty (adjusted for limits) \$901

Economic Benefit Worksheet

Respondent Richards Independent School District
 Case ID No. 50380
 Reg. Ent. Reference No. RN101513489
 Media Water Quality
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$200	4-Feb-2015	17-Feb-2015	0.04	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to begin conducting quality control assurance for total chlorine analysis and to begin maintaining records. Date required is the investigation date. Final date is the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$0

Screening Date 23-Mar-2015

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PCW

Respondent Richards Independent School District

Policy Revision 4 (April 2014)

Case ID No. 50380

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101513489

Media [Statute] Water Quality

Enf. Coordinator Cheryl Thompson

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code §§ 30.350(d) and (j), and 305.125(1), and TPDES Permit No. WQ0013527001, Other Requirements No. 1

Violation Description

Failed to employ or contract one or more licensed wastewater treatment facility operators holding the appropriate level of license to operate a wastewater treatment facility a minimum of five days per week, as documented during an investigation conducted on February 4, 2015. Specifically, the Respondent allowed an unlicensed individual to perform process control duties at the Facility.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment will or could be exposed to pollutants that would exceed levels that are protective of human health or the environment.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

13 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One monthly event is recommended for the period of February 4, 2015 (investigation date) to February 17, 2015 (date of compliance).

Good Faith Efforts to Comply

25.0%

Reduction \$937

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes

The Respondent returned to compliance on February 17, 2015.

Violation Subtotal \$2,813

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$186

Violation Final Penalty Total \$4,501

This violation Final Assessed Penalty (adjusted for limits) \$4,501

Economic Benefit Worksheet

Respondent Richards Independent School District
Case ID No. 50380
Reg. Ent. Reference No. RN101513489
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$186	4-Feb-2015	17-Feb-2015	0.00	\$0	\$186	\$186
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost of an application and examination fee to take the Class D or higher wastewater licensing exam. Date required is the investigation date. Final date is the date of compliance.

Approx. Cost of Compliance

\$186

TOTAL

\$186

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN600790067, RN101513489, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600790067, Richards ISD

Classification: SATISFACTORY

Rating: 3.95

Regulated Entity: RN101513489, RICHARDS ISD

Classification: SATISFACTORY

Rating: 3.95

Complexity Points: 4

Repeat Violator: NO

CH Group: 14 - Other

Location: 9477 Panther Drive, approximately 550 feet north of Farm-to-Market Road 149 and 1,800 feet west of the Chicago, Rock Island and Pacific Railroad in Grimes County, Texas

TCEQ Region: REGION 09 - WACO

ID Number(s):

WASTEWATER PERMIT WQ0013527001

WASTEWATER EPA ID TX0106119

WASTEWATER LICENSING LICENSE WQ0013527001

Compliance History Period: September 01, 2009 to August 31, 2014

Rating Year: 2014

Rating Date: 09/01/2014

Date Compliance History Report Prepared: May 11, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 11, 2010 to May 11, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Cheryl Thompson

Phone: (817) 588-5886

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 08/21/2010 ADMINORDER 2010-0303-MWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limits PERMIT
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)
Rqmt Prov: Sludge Reporting Requirements PERMIT
Description: Failure to submit sludge monitoring results at the intervals specified in the permit as documented by a TCEQ record review.

2 Effective Date: 01/12/2013 ADMINORDER 2012-1257-MWD-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Eff. Lim. & Mon. Req. No. 1 PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	June 21, 2010	(847641)
Item 2	July 29, 2010	(862047)
Item 3	September 20, 2010	(868628)
Item 4	October 20, 2010	(883057)
Item 5	November 19, 2010	(889476)
Item 6	December 16, 2010	(897839)
Item 7	January 21, 2011	(903730)
Item 8	February 18, 2011	(910627)
Item 9	March 21, 2011	(917890)
Item 10	April 25, 2011	(929652)
Item 11	May 19, 2011	(939586)
Item 12	July 12, 2011	(946995)
Item 13	August 25, 2011	(960837)
Item 14	September 23, 2011	(966934)
Item 15	October 20, 2011	(972904)
Item 16	November 18, 2011	(979038)
Item 17	December 20, 2011	(985873)
Item 18	January 06, 2012	(992228)
Item 19	February 23, 2012	(999538)
Item 20	June 20, 2012	(1025760)
Item 21	July 20, 2012	(1033108)
Item 22	August 20, 2012	(1039623)
Item 23	September 19, 2012	(1048551)
Item 24	October 18, 2012	(1068852)
Item 25	March 19, 2013	(1090968)
Item 26	April 18, 2013	(1097299)
Item 27	May 20, 2013	(1108324)
Item 28	June 24, 2013	(1111913)
Item 29	July 19, 2013	(1118815)
Item 30	August 20, 2013	(1126596)
Item 31	October 17, 2013	(1136899)
Item 32	November 18, 2013	(1142315)
Item 33	December 20, 2013	(1148752)
Item 34	January 17, 2014	(1154834)
Item 35	February 12, 2014	(1162142)
Item 36	March 20, 2014	(1168760)
Item 37	April 17, 2014	(1175937)
Item 38	May 20, 2014	(1182159)
Item 39	June 19, 2014	(1189058)
Item 40	July 17, 2014	(1194556)
Item 41	August 20, 2014	(1200932)
Item 42	September 19, 2014	(1207387)
Item 43	October 16, 2014	(1213790)
Item 44	November 20, 2014	(1220040)

Item 45	December 19, 2014	(1225851)
Item 46	January 20, 2015	(1232849)
Item 47	February 20, 2015	(1243849)
Item 48	March 20, 2015	(1250216)
Item 49	April 24, 2015	(1247048)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 05/27/2014 (1170157) CN600790067

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 319, SubChapter A 319.7(a)
 MONITORING & REPORTING REQUIREMENTS PERMIT

Description: Failure to maintain records for each measurement or sample taken.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 217, SubChapter M 217.328(b)

Description: Failure to provide the required plant protection.

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
RICHARDS INDEPENDENT
SCHOOL DISTRICT
RN101513489**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2015-0615-MWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Richards Independent School District ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at 9477 Panther Drive, approximately 550 feet north of Farm-to-Market Road 149 and 1,800 feet west of the Chicago, Rock Island and Pacific Railroad in Grimes County, Texas (the "Facility").
2. The Respondent has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 16, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Nine Thousand Four Hundred Eighty-Nine Dollars (\$9,489) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand Five Hundred Ninety-Two Dollars (\$7,592) of the administrative penalty and One Thousand Eight Hundred Ninety-Seven Dollars (\$1,897) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On February 17, 2015:
 - i. Submitted operator logs demonstrating records of process controls conducted for solids management are being maintained;
 - ii. Submitted colorimeter calibrations records demonstrating that adequate quality control measures are being conducted on a 10% basis and recorded for total chlorine analysis; and
 - iii. Submitted an operator log indicating process control duties are being conducted by an operator with a Class "C" Wastewater Operator License; and
 - iv. Installed new chlorine feed tubes in the chlorine contact chamber.
 - b. On February 24, 2015, began collecting samples to monitor the food to microorganism ratio and began maintaining the records.
 - c. By March 31, 2015, returned to compliance with permitted effluent limitations.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to maintain compliance with permitted effluent limitations, in violation of TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013527001, Effluent Limitations and Monitoring Requirements No. 2, as documented during an investigation conducted on February 4, 2015. Specifically, a single grab sample collected during the investigation revealed a total chlorine residual of 4.54 milligrams per liter ("mg/L") which exceeds the permitted limit of 4.0 mg/L.
2. Failed to maintain process control records, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0013527001, Operational Requirements No. 1, as documented during an investigation conducted on February 4, 2015. Specifically, the records of process controls conducted for solids management were not being maintained.
3. Failed to monitor the food to the microorganism ratio, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0013527001, Other Requirements No. 9, as documented during an investigation conducted on February 4, 2015. Specifically, the Respondent was not monitoring the food to microorganism ratio, given as the influent biochemical oxygen demand-5 day concentration divided by the aeration basin mixed liquor suspended solids concentration, once per month by grab samples.
4. Failed to assure the quality of all measurements through the use of blanks, standards, duplicates, and spikes, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.6 and 319.9(d), and TPDES Permit No. WQ0013527001, Monitoring and Reporting Requirements No. 3.c., as documented during an investigation conducted on February 4, 2015. Specifically, the Respondent was not conducting or recording the quality control assurance for total chlorine analysis.
5. Failed to employ or contract one or more licensed wastewater treatment facility operators holding the appropriate level of license to operate a wastewater treatment facility a minimum of five days per week, in violation of 30 TEX. ADMIN. CODE §§ 30.350(d) and (j), and 305.125(1), and TPDES Permit No. WQ0013527001, Other Requirements No. 1, as documented during an investigation conducted on February 4, 2015. Specifically, the Respondent allowed an unlicensed individual to perform process control duties at the Facility.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Richards Independent School District, Docket No. 2015-0615-MWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
5. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Order is the date it is signed by the Commission or the Executive Director. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director


12/4/15
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

9/18/15
Date

Martey Ainsworth
Name (Printed or typed)
Authorized Representative of
Richards Independent School District

Superintendent
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.